

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RONALD J. SMITH,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-119 (SLR)
)	
E. I. DU PONT DE NEMOURS AND)	
COMPANY, a Delaware corporation,)	
)	
Defendant.)	

**DEFENDANT E. I. DU PONT DE NEMOURS AND COMPANY'S MOTION FOR
ATTORNEYS' FEES PURSUANT TO 29 U.S.C. § 1132(g)(1)**

Pursuant to Federal Rule of Civil Procedure 54(d)(2), Defendant E. I. du Pont de Nemours and Company ("DuPont") hereby moves the Court for an award of attorneys' fees in connection with the above-captioned action. The basis for DuPont's Motion is as follows:

1. On April 29, 2005, DuPont filed a Motion to Dismiss for Failure to State a Claim (D.I. 3).
2. On December 8, 2005, the Court granted DuPont's Motion for the reasons asserted by DuPont (D.I. 12; D.I. 13).
3. On December 13, 2005 (D.I. 14), the Clerk of Court for the District of Delaware entered judgment in favor of DuPont and against Plaintiff.
4. This action was brought under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*, ("ERISA").

5. ERISA entitles DuPont to seek an award for attorneys' fees. *See* 29 U.S.C. § 1132(g)(1) ("[T]he court in its discretion may allow a reasonable attorney's fee and costs of action to either party.").

Accordingly, DuPont respectfully requests that the Court issue an Order awarding it attorneys' fees in the amount of \$10,662.87. (*See* Affidavit of Kathleen Furey McDonough attached hereto as Exhibit A).

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Dated: December 22, 2005
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